

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

<b>DEPARTMENT/AGENCY</b>	Arkansas Natural Resources Commission
<b>DIVISION</b>	Water Development
<b>DIVISION DIRECTOR</b>	Mark Bennett
<b>CONTACT PERSON</b>	Crystal Phelps
<b>ADDRESS</b>	101 E. Capitol, Suite 350, Little Rock, AR 72201
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**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

**Donna K. Davis**  
**Subcommittee on Administrative Rules and Regulations**  
**Arkansas Legislative Research**  
**Bureau of Legislative Research**  
**Room 315, State Capitol**  
**Little Rock, AR 72201**

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1. What is the short title of this rule?

Rules Governing Water and Wastewater Project Funding through the Arkansas Community and Economic Development Program, Title XXIII

2. What is the subject of the proposed rule?

These rules describe how federal funds for water and wastewater grants will be distributed to low-to-moderate-income communities that apply for assistance and administrative requirements for maintaining grants.

3. Is this rule required to comply with federal statute or regulations? Yes ☐ No ☒

If yes, please provide the federal regulation and/or statute citation.

Although this rule is not required by federal statute or regulation, it describes the application process to be followed to obtain the grant funds described in the Housing and Community Development Act of 1974, as amended, codified at 42 USC 5301 et seq. and further described at Title 24 of the Code of Federal Regulations, Part 570, Subpart I.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act?

Yes ☐ No ☐

5. Is this a new rule? Yes ☒ No ☐ If yes, please provide a brief summary explaining the regulation.

Through this program, the Commission will distribute federal funds for water and wastewater grants to address community development needs. To qualify, the applicant community must demonstrate that the population served by the project has a mean income equal to or less than the low-income limit established by the US Department of HUD, or that the Commission recognizes the applicant's plan as particularly urgent to address a serious and immediate threat to the health or welfare of the community. These rules also describe administrative procedures that must be followed by grant awardees to maintain the grant including record-keeping, procurement, and financial accountability.

Does this repeal an existing rule? Yes ☐ No ☒ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☐ No ☒ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up should be clearly labeled "mark-up".

6. Cite the state law that grants the authority for this proposed rule. If codified, please give Arkansas Code citation.

There is no state law that expressly grants authority for this rule. The program was transferred to the Commission through a 2004 Memorandum of Agreement between the Arkansas Department of Economic Development and the Commission.

7. What is the purpose of this proposed rule? Why is it necessary?

The Arkansas Department of Economic Development administers the majority of the Arkansas Community and Economic Development Program (ACEDP) but has transferred administration of the program for water and wastewater grants to the Arkansas Natural Resources Commission. The Commission decided that rules were needed to explain to applicant communities how the program works

8. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: September 20, 2006

Time: 2 p.m.

Place: 101 East Capitol, Suite 350, Little Rock, AR 72201

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 2, 2006

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

November 13, 2006

11. Do you expect this rule to be controversial? Yes ☐ No ☒ If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

[illegible]

## FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Arkansas Natural Resources Commission  
DIVISION: Water Development  
PERSON COMPLETING THIS STATEMENT: Crystal Phelps  
TELEPHONE NO.: 501-682-3905 FAX NO.: 501-682-3991 EMAIL: crystal.phelps@arkansas.gov

## FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### SHORT TITLE OF THIS RULE:

Rules Governing Water and Wastewater Project Funding through the Arkansas Community and Economic Development Program, Title XXIII

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?

Yes ☐ No ☒

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.

The program was transferred to ANRC by ADED because ANRC can administer the program more cost-effectively. ANRC already makes expenditures for other ANRC programs that would benefit this program with minimal extra expense to ANRC. A very, very general estimate of possible expense to ANRC as a result of this program is approximately \$10,000 per year. Existing staff and resources will be used to implement this program.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

### Current Fiscal Year

General Revenue	<u>0.00</u>
Federal Funds	<u>0.00</u>
Cash Funds	<u>0.00</u>
Special Revenue	<u>0.00</u>
Other (Identify)	<u>0.00</u>
Total	<u>0.00</u>

### Next Fiscal Year

General Revenue	<u>0.00</u>
Federal Funds	<u>0.00</u>
Cash Funds	<u>0.00</u>
Special Revenue	<u>0.00</u>
Other (Identify)	<u>0.00</u>
Total	<u>0.00</u>

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

### Current Fiscal Year

\$0

### Next Fiscal Year

\$0.00

<u>\$0.00</u>	<u>\$0.00</u>
<u>\$0.00</u>	<u>\$0.00</u>
<u>\$0.00</u>	<u>\$0.00</u>

There is no application cost or any other cost to applicant communities who voluntarily decide to apply for grants distributed under this program.

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

<b><u>Current Fiscal Year</u></b>	<b><u>Next Fiscal Year</u></b>
<u>\$10,000.00</u>	<u>\$10,000.00</u>
<u>\$0</u>	<u>\$0</u>